

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , AUGUST 28 , 1990

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING August 28 , 19 90 ,
IN Regular SESSION. PRESIDENT Charles B. Redd
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS 8 VIZ:

BRADBURY <u>✓</u>	BURNS <u>✓</u>	EDMONDS <u>✓</u>
GiaQUINTA <u>A</u>	HENRY <u>✓</u>	LONG <u>✓</u>
REDD <u>✓</u>	SCHMIDT <u>✓</u>	TALARICO <u>✓</u>

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR August 14 , 19 90 ,

_____ , 19 _____

SPECIAL _____ , 19 _____

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 28th day of August, 1990, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 31st day of August, 1990.

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

15 August 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one
(1) ordinance concerning the vacation of dedicated surface drainage easement.

The proposed ordinance is designated as:

BILL NO. G-89-08-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
15th day of August 1990.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Surface Drainage Easement Vacation

DETAILS

Specific Location and/or Address

The North 7.0 feet of Lot Numbered 25 and the South 7.0 feet of Lot Numbered 24 in Centennial Industrial Park.

Reason for Project

Future building expansion.

Discussion (Including relationship to other Council actions)

21 August 1989 - Public Hearing

Mike Peters, with Maumee Industries appeared before the Commission. Mr. Peters stated that they are petitioning to have the easement vacated so that they might plan for future expansion. He stated they are planning on adding 30,000 square feet. He stated that at this time it does not effect the easement, but for future expansion that will enable them to have a continuous building site, they would at some time need to build across the easement. He stated that they have contracted with a group to relocate the easement along the west side of the property.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

28 August 1989 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing utility easements as needed.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Maumee Industries
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation
☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to condition
 (See Details column for condition)
CITY COUNCIL
ACTIONS
(For Council
use only)
☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

Of the six (6) members present, five (5) voted for the motion, one (1) did not vote.

Motion carried.

NOTE: This ordinance has been held pending the satisfying of conditions.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 6 July 1989

Projected Completion or Occupancy

Date 15 August 1990

Fact Sheet Prepared by

Date 15 August 1990

Patricia Biancaniello

Reviewed by

Date 8-15-90

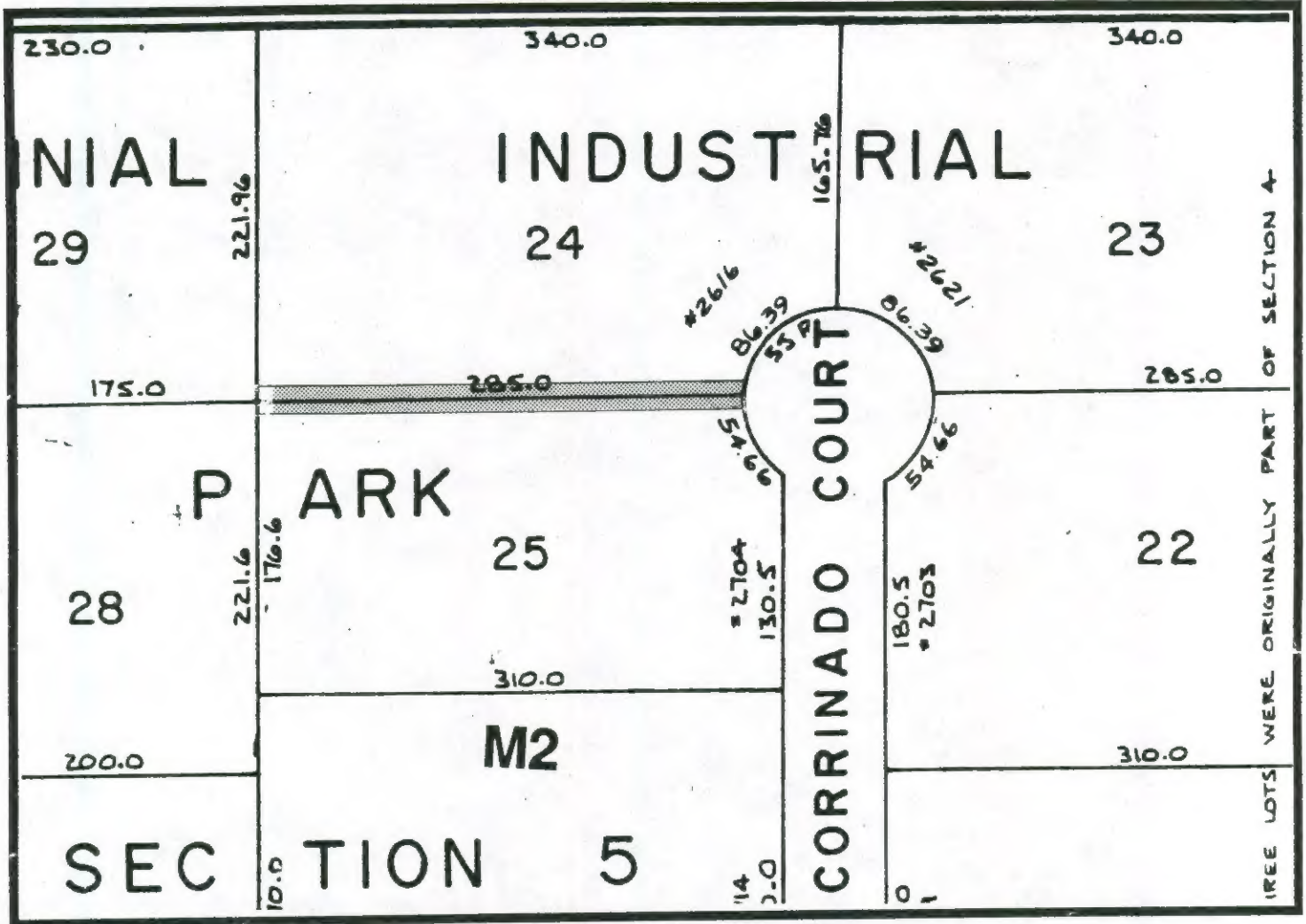
Reference or Case Number

VACATION PETITION #399

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC EASEMENT.

MAP NO. I-22

COUNCILMANIC DISTRICT NO. 3



ZONING:

M2 GENERAL INDUSTRY

LAND USE:☐ **COMMERCIAL**

SCALE: 1"=100'

DATE: 7-25-89

Michael W. Black, on behalf of Maumee Industries, Inc., requests the vacation of a surface drainage & utility easement.

Location: Between lots 24 and 25 in Centennial Industrial Park.

Legal: The north 7 ft. of lot 25 and the south 7 ft. of lot 24 in Centennial Industrial Park Section V.

Land Area: Approximately 0.091 acres

Zoning: M-2

Surroundings: The industrial park is zoned industrial.

Reason for Request: Building addition.

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

Maumee Industries Inc. is anticipating building additional warehouse space on lots 24 and 25. The existing surface drainage and utility easement would not allow for a building to be constructed into lot 24. Maumee Industries Inc. has been working with the City of Fort Wayne Water Pollution Control Engineering Department regarding the relocation of sanitary sewers for this site, and upon the completion of the re-route, the easement would no longer be needed.

Staff met on site with representatives of both the developer, WPC Engineering, and Economic Development. Based on conversations, the proposed relocation of the sewer line should eliminate the need for this easement, and allow for future growth. The property to the north is currently owned by Centennial Development Corporation, and they have joined in the petition.

We have been advised by Street Engineering that this easement is in fact a surface drainage and utility easement, and that it runs west to a 14 foot wide easement located along the west property lines (7 ft. of which is on each side). The legal description submitted was revised to eliminate that portion that intersects with the north-south easement.

Recommendation: Conditional Approval contingent upon the petitioner providing utility easements as needed.

- 1) Approval would not hinder orderly growth or development of the area, and will allow for expansion of the current use.
- 2) Maintenance of this easement would no longer be in the public interest once the sewer is re-routed.
- 3) Both property owners directly affected by this easement have signed the petition, and agree to the vacation.

RESOLUTION 78-270-5

WHEREAS, MICHAEL W. BLACK - MAUMEE INDUSTRIES, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following surface drainage easement situated in Fort Wayne, Allen County, to-wit:

The North 7.0 feet of Lot Numbered 25 and the South 7.0 feet of Lot Numbered 24 in Centennial Industrial Park excluding the West 7.0 feet of the North 7.0 feet of Lot Numbered 25 and excluding the West 7.0 feet of the South 7.0 feet of Lot Numbered 24 in Centennial Industrial Park, Section V, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

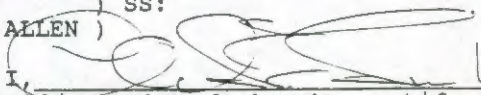
WHEREAS, said vacation of a surface drainage easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said surface drainage easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said surface drainage easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

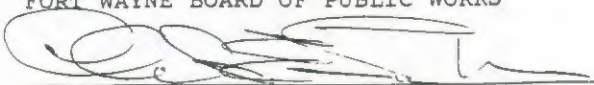
STATE OF INDIANA)

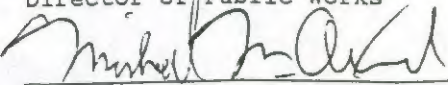
SS:
COUNTY OF ALLEN)


I, , Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held August 8, 1990 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 8 DAY OF August 1990

FORT WAYNE BOARD OF PUBLIC WORKS


Charles E. Layton
Director of Public Works


Michael McAlexander
Director of Public Safety



Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, MICHAEL W. BLACK - MAUMEE INDUSTRIES, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following surface drainage easement in Fort Wayne, Allen County, to-wit:

The North 7.0 feet of Lot Numbered 25 and the South 7.0 feet of Lot Numbered 24 in Centennial Industrial Park excluding the West 7.0 feet of the North 7.0 feet of Lot Numbered 25 and excluding the West 7.0 feet of the South 7.0 feet of Lot Numbered 24 in Centennial Industrial Park, Section V, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 21, 1989 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said surface drainage easement.

WHEREAS, said vacation of surface drainage easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said surface drainage easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said surface drainage easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said surface drainage easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said surface drainage easement in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 28, 1989, and as the same appears of record in the official records of said Plan Commission.



The City of Fort Wayne

15 August 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated drainage easement.

The proposed ordinance is designated as:

BILL NO. G-90-07-12

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
15th day of August 1990.

A handwritten signature in black ink, appearing to read "Robert Hutner", is written over a horizontal line.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Drainage Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

The East 100 feet of Lot #54 in
Centennial Industrial Park, Section VIII.

Reason for Project

Construction of a manufacturing facility.

Discussion (Including relationship to other Council actions)

16 July 1990 - Public Hearing

Jim Streit, attorney for the petitioners, the Striker Corporation appeared before the Commission. Mr. Streit stated that the petitioners are intending to construct a 60,000 square foot manufacturing facility on the property, which cannot presently be accomplished without encroaching into the existing easement. He stated that the petitioners have already granted the city a 30 foot easement along the eastern lot line which would replace the existing easement.

Mel Smith questioned how far the new building would encroach into the existing easement.

Mr. Streit stated it would encroach approximately 50 to 60 feet into the existing easement.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Striker Corporation
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation

☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

23 July 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner granting any replacement easements or utility relocations as needed.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 12 June 1990

Projected Completion or Occupancy

Date 15 August 1990

Fact Sheet Prepared by

Patricia Biancaniello

Date 15 August 1990

Reviewed by

K. Douglas

Date 8-15-90

Reference or Case Number

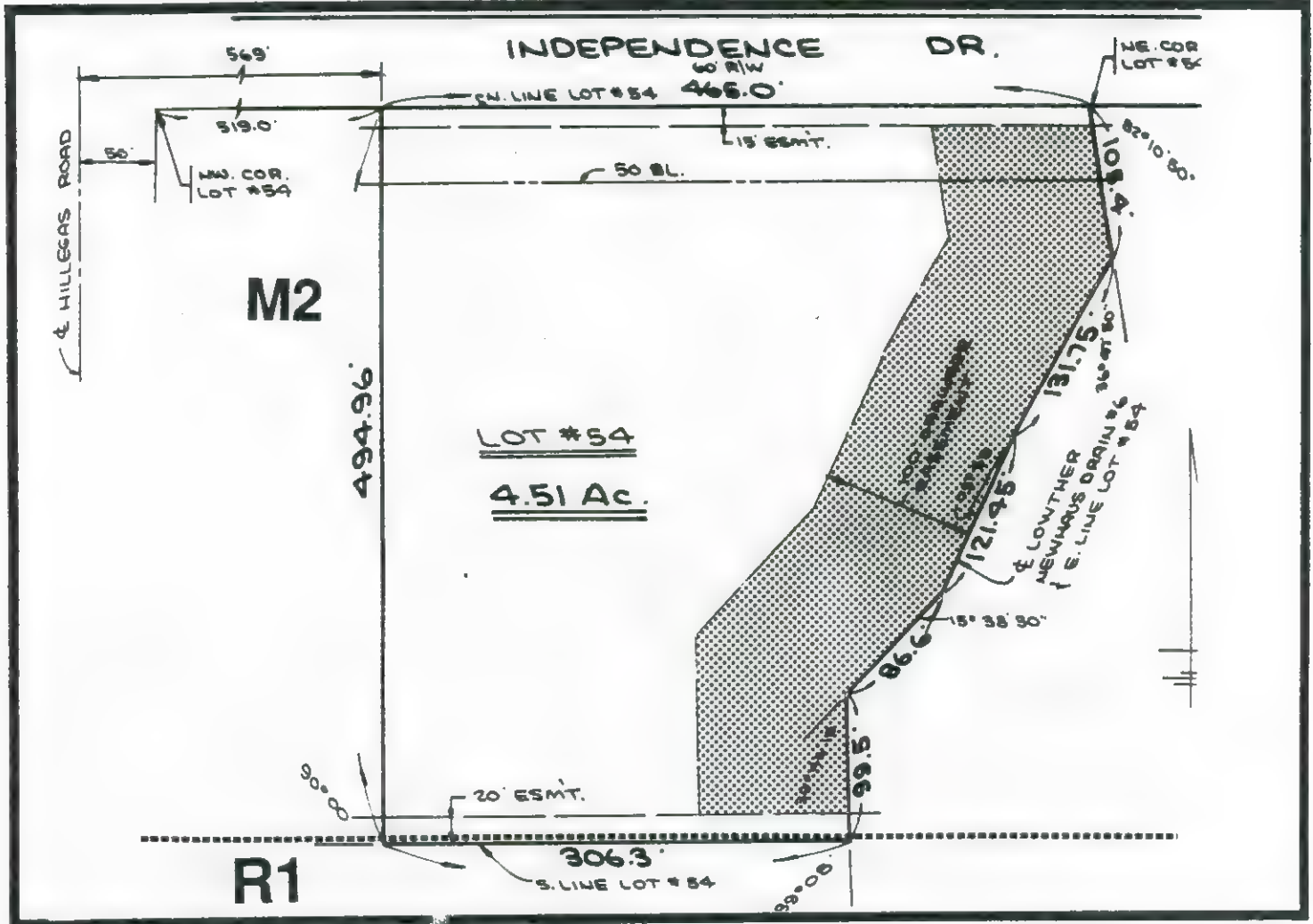
VACATION PETITION.

#442

A PETITION TO VACATE THE DESCRIBED PORTION OF EASEMENT.

MAP NO. H-22

COUNCILMANIC DISTRICT NO. 3



ZONING:

M2 GENERAL INDUSTRY

R1 RESIDENTIAL DISTRICT

LAND USE:



COMMERCIAL

SCALE: NTS

DATE: 6-21-90

Striker Corporation, requests the vacation of a drainage easement.

Location: 3625 Independence Drive

Legal: The east 100 ft. of lot 54 Centennial Industrial Park

Land Area: Approximately 49,500 Sq.Ft.

Zoning: M-2

Surroundings: North M-2 Open
South R-1 Residential
East M-2 Industrial
West M-2 Industrial

Reason for Request: Not stated on petition.

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This easement is location in Centennial Industrial Park, towards the west end of that development. The petitioners are interested in an expansion of their use, and the existing 100 foot easement may present a problem. The petitioners have already granted a 30 feet easement along the eastern lot line which would replace the existing easement. Discussion with WPC Engineering indicates that this new easement was needed for future expansion of the utility service.

The proposed expansion would consist of an approximate 60,000 Square Foot manufacturing facility for Peg Perego U.S.A. Inc. The adjacent property owner has also signed the petition.

We do not feel that this easement is needed for any public access needs, nor that its vacation will negatively impact any property values. With WPC Engineering already receiving a 30 foot easement replacement, we feel that any future growth needs have been addressed.

Recommendation: Do Pass, contingent upon the petitioner granting any replacement easements or utility relocations as needed.

- 1) The easement is not necessary for continued growth of the City as a replacement 30 foot easement has already been granted.
- 2) Approval will not have a negative impact on property values.
- 3) Approval will allow an expansion to an existing business.

RESOLUTION 78-270-6

WHEREAS, the STRIKER CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated drainage easement situated in Fort Wayne, Allen County, to-wit:

The East 100 feet of Lot #54 in Centennial Industrial Park, Section VIII.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated drainage easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board.


NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated drainage easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated drainage easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated drainage easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

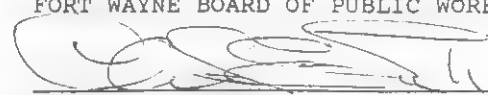
COUNTY OF ALLEN)

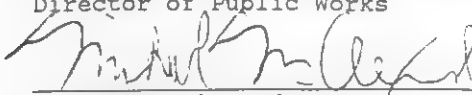
 , Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held

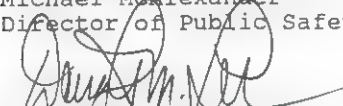
August 8, 1990 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 8 DAY OF August 1990

FORT WAYNE BOARD OF PUBLIC WORKS


Charles E. Layton
Director of Public Works


Michael McAlexander
Director of Public Safety


Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, the STRIKER CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated drainage easement in Fort Wayne, Allen County, to-wit:

The East 100 feet of Lot #54 in Centennial Industrial Park,
Section VIII

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on July 16, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated drainage easement.

WHEREAS, said vacation of dedicated drainage easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated drainage easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated drainage easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated drainage easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated drainage easement in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 23, 1990, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 1st DAY OF August 1990

FORT WAYNE CITY, PLAN COMMISSION

Robert Hutner
Secretary



The City of Fort Wayne

14 August 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated street right-of-way.

The proposed ordinance is designated as:

BILL NO. G-90-06-40

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
14th day of August 1990.

A handwritten signature in black ink, appearing to read "Robert Hutner", is written over a horizontal line.

Robert Hutner
Secretary

FACT SHEET

G-90-06-40

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Street Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

Portion of Oakbrook Parkway

Reason for Project

Potential expansion of office use.

Discussion (Including relationship to other Council actions)

18 June 1990 - Public Hearing

Jim Koday, attorney representing the petitioners Oakbrook Associates appeared before the Commission. Mr. Koday stated that the office buildings in the development all surround a common area which is surrounded by a loop, by which the businesses and the tenants and owners access their properties. He stated that GTE Data Services which is on the east side of this access wishes to expand. He stated that in order for them to expand they have to use what was formerly a common area in the middle of the loop, which none of the tenants in the complex want to maintain anymore. He stated that the adjacent property owners have all signed the petition to vacate. He stated that if vacated this will allow GTE Data Services to expand.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Oakbrook Associates, a general partnership
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation

☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against

☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

25 June 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing new utility easements or relocations as needed.

Of the six (6) members present, five (5) voted for the motion, one (1) did not vote.

Motion carried.

NOTE: This ordinance has been held until the required easements were granted.

POLICY/ PROGRAM IMPACT

Policy or Program Change

☒ No

☐ Yes

Operational Impact Assessment

(This space for further discussion)

Project Start

Date 17 May 1990

Projected Completion or Occupancy

Date 14 August 1990

Fact Sheet Prepared by

Date 14 August 1990

Patricia Biancaniello

Reviewed by

Date 8-14-90

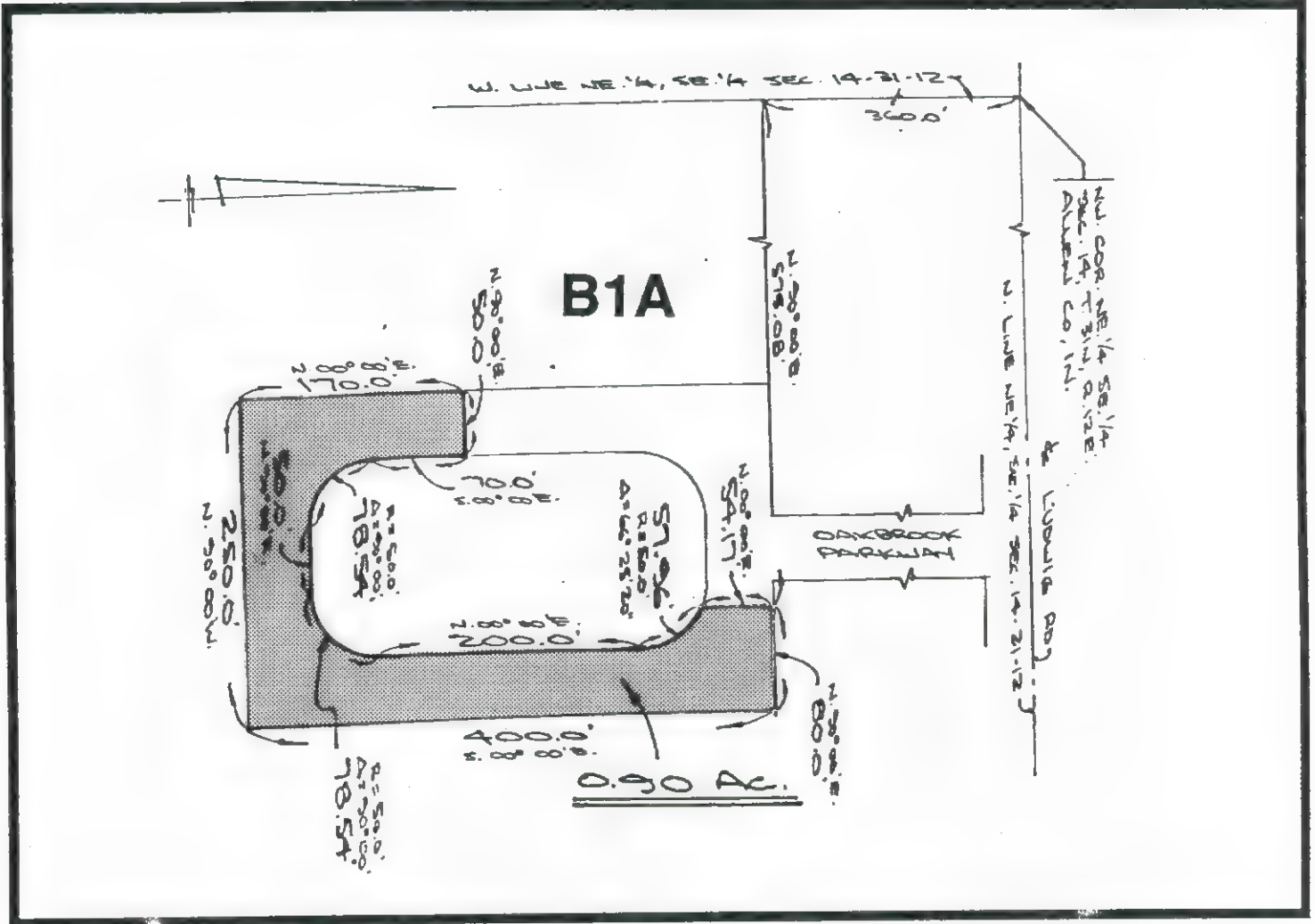
Kenny Kopylov
Reference or Case Number

VACATION PETITION.

A PETITION TO VACATE THE DESCRIBED PORTION OF PRIVATE STREET.

MAP NO. M-38

COUNCILMANIC DISTRICT NO. 3



ZONING:

B1A LIMITED BUSINESS "A"

LAND USE:

☐ *COMMERCIAL*

SCALE: NTS

DATE: 5-31-90



Michael C. Dahm, agent for Oakbrook Associates, a general partnership, requests the vacation of a public right-of-way.

Location: A portion of Oakbrook Parkway

Legal: See file

Land Area: Approximately 0.9 acres

Zoning: This street is located in a developed office park area that is zoned B-1-A.

Surroundings:

North	B-1-A	Offices
South	B-1-A	Open
East	B-1-A	Offices
West	B-1-A	Open

Reason for Request: Potential expansion of office use.

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

Oakbrook Parkway is a dedicated right-of-way extending south off of Ludwig Road and serving this office development. The street runs south from Ludwig Road and terminates in a loop. All of the property owners have joined in this petition, and have also submitted an amended secondary plat.

One of the concerns that the staff had in reviewing this petition was in regard to the termination of the portion of the remaining street. The amended plat, which will appear on the agenda for the Business Meeting, includes a cul-de-sac at the south end of the remaining street.

We believe that access concerns will be addressed and should not have a negative impact on this vacation petition. The petitioners are aware that they will need to provide utility easements or relocations as needed, and are apparently willing to do so.

Recommendation: Conditional Approval, contingent upon the petitioner providing new utility easements or relocations as needed.

1) Approval will not have a negative impact on adjacent property values.

2) The easement is not needed for access concerns, nor future growth of the area, in fact vacation will facilitate potential growth.

RESOLUTION 78-254-7

WHEREAS, OAKBROOK ASSOCIATES, A GENERAL PARTNERSHIP has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following street situated in Fort Wayne, Allen County, to-wit:

Part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at a point on the West line of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, said point being 360.0 feet South of the Northwest corner of the NE 1/4 of the SE 1/4 of Sec. 14-31-12; thence North 90 degrees 00 minutes East, a distance of 575.08 feet to the true point of beginning; thence North 90 degrees 00 minutes East, a distance of 80.0 feet to a point on the East right-of-way line of Oakbrook Parkway; thence South 00 degrees, 00 minutes East along the East right-of-way line of Oakbrook Parkway, a distance of 400.00 feet; thence North 90 degrees 00 minutes West along the South right-of-way line of Oakbrook Parkway a distance of 250.0 feet; thence North 00 degrees, 00 minutes East along the West right-of-way line of Oakbrook Parkway, a distance of 170.0 feet; thence North 90 degrees, 00 minutes East, a distance of 50.0 feet; thence South 00 degrees, 00 minutes East, a distance of 70.0 feet to a point of curvature; thence Southeasterly along a curve to the left having a radius of 50.0 feet and a central angle of 90 degrees, 00 minutes a distance of 78.54 feet to a point of tangency; thence North 90 degrees, 00 minutes East, a distance of 50.0 feet to a point of curvature; thence Northeasterly along a curve to the left, having a radius of 50.0 feet and a central angle of 90 degrees, 00 minutes, a distance of 78.54 feet to a point of tangency; thence North 00 degrees 00 minutes East, a distance of 200.0 feet to a point of curvature; thence Northwesterly along a curve to the left having a radius of 50.0 feet and a central angle of 66 degrees 25 minutes 20 seconds, a distance of 57.96 feet; thence North 00 degrees, 00 minutes East, a distance of 54.17 feet to the point of beginning, containing 0.90 acres.

ALSO

Part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at a point on the West line of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, said point being 360.0 feet South of the Northwest corner of the NE 1/4 of the SE 1/4 of Sec. 14-31-12; thence North 90 degrees, 00 minutes East, a distance of 405.08 feet to a point on the West right-of-way line of Oakbrook Parkway; thence South 00 degrees 00 minutes East along the said right-of-way line, a distance of 230.0 feet to the true point of beginning; thence North 90 degrees 00 minutes East, a distance of 50.0 feet to a point on a non-tangent curve; thence Southeasterly, Southwesterly, Northwesterly and Northeasterly, along a curve to the right having a radius of 50.0 feet and a central angle of 300 degrees, 00 minutes, a distance of 261.8 feet to the point of beginning, containing 0.18 acres.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;


WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.


STATE OF INDIANA)

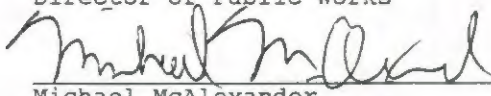
COUNTY OF ALLEN) SS:

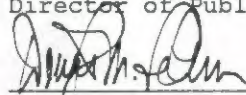
I,  Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held July 11, 1990 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 11 DAY OF July 1990

FORT WAYNE BOARD OF PUBLIC WORKS


Charles E. Layton
Director of Public Works


Michael McAlexander
Director of Public Safety


Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, OAKBROOK ASSOCIATES, A GENERAL PARTNERSHIP has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street in Fort Wayne, Allen County, to-wit:

Part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:


Commencing at a point on the West line of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, said point being 360.0 feet South of the Northwest corner of the NE 1/4 of the SE 1/4 of Sec. 14-31-12; thence North 90 degrees 00 minutes East, a distance of 575.08 feet to the true point of beginning; thence North 90 degrees 00 minutes East, a distance of 80.0 feet to a point on the East right-of-way line of Oakbrook Parkway; thence South 00 degrees, 00 minutes East along the East right-of-way line of Oakbrook Parkway, a distance of 400.00 feet; thence North 90 degrees 00 minutes West along the South right-of-way line of Oakbrook Parkway a distance of 250.0 feet; thence North 00 degrees, 00 minutes East along the West right-of-way line of Oakbrook Parkway, a distance of 170.0 feet; thence North 90 degrees, 00 minutes East, a distance of 50.0 feet; thence South 00 degrees, 00 minutes East, a distance of 70.0 feet to a point of curvature; thence Southeasterly along a curve to the left having a radius of 50.0 feet and a central angle of 90 degrees, 00 minutes a distance of 78.54 feet to a point of tangency; thence North 90 degrees, 00 minutes East, a distance of 50.0 feet to a point of curvature; thence Northeasterly along a curve to the left, having a radius of 50.0 feet and a central angle of 90 degrees, 00 minutes, a distance of 78.54 feet to a point of tangency; thence North 00 degrees 00 minutes East, a distance of 200.0 feet to a point of curvature; thence Northwesterly along a curve to the left having a radius of 50.0 feet and a central angle of 66 degrees 25 minutes 20 seconds, a distance of 57.96 feet; thence North 00 degrees, 00 minutes East, a distance of 54.17 feet to the point of beginning, containing 0.90 acres.

ALSO

Part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.


Robert Hutter
Secretary